



DOCKET NO. 17171CIP4DIV(HL)
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Klein et al

Serial No. 09/685,828; Conf. No. 4591

Filed: October 10, 2000

For: SYNTHESIS AND USE OF REINOID
COMPOUNDS HAVING NEGATIVE HORMONE
AND/OR ANTAGONIST ACTIVITY

Group Art Unit: 1648

Examiner: Hill, Myron G.

RECEIVED

OCT 22 2002

TECH CENTER 1600/290

Assistant Commissioner for Patents
Washington, D.C. 20231

9

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT

Dear Sir:

The owner, Allergan, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 USC 154 and 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 5,776,699, issued July 7, 1998. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminal disclaimed under 37 CFR 1.321, has all claims

10/23/2002 CTRH/MS 0965828 010803

01 FC:1814 110.00 CH

Serial No. 09/685,826; Conf. No. 4591
Docket No. 17171CIP4DIV(HL)

cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record.

Date: 10/10/02

By: Carlos A. Fisher

Carlos A. Fisher

Reg. No. 36,510

ALLERGAN, INC.

X Please charge the terminal disclaimer fee under 37 CFR 1.20(d) to Account No. 01-0885. A duplicate of this terminal disclaimer is enclosed.

Please direct all correspondence to:

Carlos A. Fisher (T2-7H)
Attorney of Record
ALLERGAN, INC.
2525 Dupont Drive
Irvine, CA 92612
Telephone: 714/246-4920
Fax: 714/246-4249